

This record is a partial extract of the original cable. The full text of the original cable is not available.

UNCLAS SECTION 01 OF 02 GUATEMALA 002108

SIPDIS

USDOL FOR ILAB:TINA FAULKNER
DEPT FOR DRL/IL:MARINDA HARPOLE

E.O. 12958: N/A

TAGS: [ELAB](#) [EIND](#) [ETRD](#) [PHUM](#) [SOCI](#) [GT](#) [USAID](#)

SUBJECT: CHILD LABOR UPDATE: GUATEMALA

REF: A. STATE 193266

[B](#). 02 GUATEMALA 2682

[C](#). GUATEMALA 605

[1](#)1. Summary: In response to Ref A, this cable provides update information to supplement Refs B (last year's Child Labor report, which otherwise remains valid) and C (Guatemala Anti-Trafficking in Persons Report). Significant child labor developments over the past year include publication of a new authoritative report in March on child labor produced by the ILO, UNICEF and the World Bank, entitled "Understanding Children's Work in Guatemala;" the entry into effect of ILO Convention 182 on October 11, 2002; the installation of a National Commission for the Elimination of Child Labor on October 29, 2002; the introduction of Labor Code reforms to Congress by the Executive on May 5 (where they remain pending), to bring domestic legislation in line with ILO commitments; and Congressional approval of a new Children's Code in June. While many of these developments are encouraging, the magnitude of the child labor problem in Guatemala continues to worsen. End Summary.

Major Findings of New Child Labor Report

[1](#)2. The ILO/UNICEF/World Bank report was prepared in cooperation with the Government and National Statistical Institute, and is based on a national living conditions survey conducted in 2000 involving a stratified sample of 7,276 households and a total of 38,000 persons. Notable results include:

-- "The prevalence of children in the workforce appears to be rising in Guatemala." The latest national employment survey, in 2002, estimated 23% of children were involved in work, up from 20% in 2000, 14% in 1998-99, and 8% estimated in 1994. Note: each of these estimates came from difference sources and may not reflect the same methodology.

-- 507,000 children aged 7-14 years, (20% of this age group) are engaged in work.

-- Children,s work is mainly a rural phenomenon. Rural children make up three-fourths of total child workers and are twice as likely as urban children to work.

--Around 300,000 children aged 7-14 (12% of this age group) perform household chores for at least four hours per day. (The proportion of 7-14 year old girls performing these chores is triple that for boys.)

-- Most working children (two-thirds) are found in the agricultural sector and work for their families without wages.

-- Children,s work involves very long hours (average: 47 hours per week).

-- Children can face hazardous conditions in many sectors, including domestic service in private homes, firecracker production, agricultural work, mining and quarrying, and garbage picking.

-- "Unconditional Worst Forms" of Child Labor in Guatemala include child prostitution and child pornography. Though the extent of child trafficking is not known, Guatemala is both a source for and destination of trafficked children. The government indicates that the number of street children has increased in recent years (est. 3,500-8,000).

-- Work interferes with children,s education.

-- Determinants of children,s work include gender, ethnicity, poverty, mother's educational status, household composition, exposure to collective and individual crises, and lack of health insurance.

-- The report suggests the following strategies to combat child labor in Guatemala: reduce household vulnerability; increase access to and quality of education; improve access to basic services; promote adult literacy; in rural areas, increase school enrollment of child agricultural workers and remove children from the most hazardous forms of work; in urban areas, remove children from urban workplaces,

especially girls working as domestic servants, and increase the ability of households to invest in their children's education; fill the information gap on the worst forms of child labor and strengthen grassroots organizations to better reach street children.

-- Finally, the report recommends bringing national legislation into conformity with international child labor norms and strengthening the Government's ability to enforce and monitor this legislation.

ILO 182 Takes Effect: National Commission Created

13. Twelve months after its ratification, ILO Convention 182 on the Worst Forms of Child Labor went into effect. On October 29, President Portillo inaugurated the new National Commission for the Elimination of Child Labor, presided over by the Vice President, and including various ministries and government institutions, and representatives of the ILO, UNICEF, Save the Children Norway, and German Technical Cooperation (GTZ). The Commission's objective is to support the implementation of the National Plan to Eliminate Child Labor (under age 14) and Protect Adolescent Workers (ages 14-17). The Commission and its secretariat working group, which meets weekly, has been active since its creation, developing an operation plan to implement the National Plan. It proposed a funding level of \$769,000 for implementation of the Plan in the 2004 national budget.

GOG Proposes New Labor Code Reforms

14. On May 5, the Executive submitted a package of five reforms to the Labor Code, including one which proposes to prohibit paid labor under age 14 (currently the Labor Ministry can issue permits for workers under age 14; the Ministry reported issuing 1,012 such permits in 2001, the latest year for which statistics are available). The reform, pending before Congress, also proposes applying limited work hours and protections currently in place for workers under 14 to adolescent workers (ages 14-17); holds employers responsible for any violations of age requirements, including fines not less than ten times the year in which the child worker was born; and prohibits all dangerous and worst forms of labor for workers under age 18, as defined under ILO Convention 182. The ILO has submitted comments and suggested revisions to the draft bill to the Minister of Labor.

Children's Code Passed

15. On June 4, Congress approved the Law for Integrated Protection of Children and Adolescents, which took effect in July. The new law modified an earlier version passed in 1999, which proved controversial and therefore never took effect. The current law codifies a long list of individual rights enjoyed by children, including the right to protection against trafficking in children and adolescents, against economic exploitation, against sexual exploitation and abuse; and creates a National Commission on Children and Adolescents.

WHARTON